

# STATE OF CONNECTICUT · COUNTY OF TOLLAND INCORPORATED 1786

# TOWN OF ELLINGTON

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PETER J. CHARTER Deputy First Selectman

LAURIE E. BURSTEIN ANN L. HARFORD A. LEO MILLER, JR. JAMES M. PRICHARD JOHN W. TURNER

**BOARD OF SELECTMEN** Monday, December 15, 2008 Town Hall - Meeting Hall

#### ANNUAL FIRE PREVENTION POSTER CONTEST AWARD PRESENTATION:

First Selectman Stupinski and James York, Deputy Fire Marshal, presented the following students with awards:

Fourth Grade:

First Place:

Second Place: Third Place:

Jack Paul

Lillian Bannock Megan Abbruzzese Honorable Mention: Catherine Bedson

Fifth Grade:

First Place: Second Place: Sheryl Wang Madeline Meaney Kavla Lagan

Third Place:

Honorable Mention: Harrison Waltman

#### **BOARD OF SELECTMEN MEETING:**

SELECTMEN PRESENT:

Laurie Burstein, Peter Charter, Ann Harford, A. Leo Miller, James

Prichard, Michael Stupinski and John Turner

OTHERS PRESENT:

Finance Officer: Nicholas J. DiCorleto; DPW Director: P. Michaud; Robert Phillips, Town Planner; Atherton B. Ryan, Town Attorney; Jim Thompson, Town Engineer; David Hurley and James Gage, Conservation Commission; Peter Hany, EVAC President; Mark Mickiewicz,, Crystal Lake Association; Residents: Joe Wehr [also on Board of Finance]; Clayton Bannock; Victor Laptik, Walter Moody; William Merson; Richard Neal; Jl Reporter: Connie Yan

#### **MINUTES**

#### CALL TO ORDER:

First Selectman Stupinski called the meeting of the Board of Selectmen (BOS) to order at 8:20 p.m.

#### II. CITIZENS' FORUM:

Mr. Wehr, 1 Meagan Circle, said he had requested (via e-mail) that two items be placed on the agenda for tonight's meeting – Regional Animal Control Facility and the proposed roundabout at 'Five Corners'. Neither of these items appear on the agenda. He felt that the Regional Animal Control Facility ought to be explored. It needs to be determined if utilizing a regional facility would be beneficial for the town and save the town money. He also stated that he has not heard any further discussion on the roundabout since the Public Hearing that was held in September, He asked what the process is for requesting items to be placed on the agenda.

Mr. Stupinski said that it is policy that the BOS does not engage in dialogue during citizens' forum. The items that Mr. Wehr requested be placed on tonight's agenda were not added to the agenda as tonight's meeting had other items that needed to be addressed which would involve lengthy discussion. The items that Mr. Wehr requested be placed on the agenda will be considered for the January 5, 2009 agenda.

Mr. Bannock, 67½ Snipsic Road, stated that he had also requested an item for tonight's agenda regarding notifying residents of special town meetings via auto e-mail. He understands why this was not placed on the agenda as this request has already been granted and just wanted to thank the BOS.

- III. APPROVAL OF MINUTES:
  - A. November 6, 2008 Board of Finance/Selectmen Special Joint Meeting:

MOVED (CHARTER), SECONDED (HARFORD) AND PASSED UNANIMOUSLY TO APPROVE THE SPECIAL BOARD OF FINANCE/SELECTMEN MEETING MINUTES OF NOVEMBER 6, 2008.

B. November 17, 2008 Special Town Meeting:

MOVED (HARFORD), SECONDED (CHARTER) AND PASSED UNANIMOUSLY TO APPROVE THE SPECIAL TOWN MEETING MINUTES OF NOVEMBER 17, 2008.

C. November 17, 2008 Board of Selectmen Regular Meeting

MOVED (CHARTER), SECONDED (HARFORD) AND PASSED UNANIMOUSLY TO APPROVE THE BOARD OF SELECTMEN MEETING MINUTES OF NOVEMBER 17, 2008.

- IV. UNFINISHED BUSINESS: None
- V. NEW BUSINESS:
  - A. Tax Refunds Abatements Revised (November):

MOVED (CHARTER), SECONDED (PRICHARD) AND PASSED UNANIMOUSLY TO APPROVE THE *REVISED* TAX REFUNDS IN THE AMOUNT OF \$2,875.27, AS RECOMMENDED BY THE TAX COLLECTOR AND AS SPECIFIED IN THE *REVISED* REFUNDS/ABATEMENTS STATEMENT FOR THE MONTH OF NOVEMBER, 2008. (Attached).

# B. Tax Refunds/Abatements (December):

MOVED (CHARTER), SECONDED (HARFORD) AND PASSED UNANIMOUSLY TO APPROVE THE TAX REFUNDS IN THE AMOUNT OF \$1,606.62, AS RECOMMENDED BY THE TAX COLLECTOR AND AS SPECIFIED IN THE REFUNDS/ABATEMENTS STATEMENT FOR DECEMBER, 2008. (Attached).

C. Emergency Services Committee – Request for Funding:

MOVE (CHARTER), SECONDED ()MILLER TO APPROVE AN ADDITIONAL APPROPRIATION OF \$20,200 FROM FY 2008-09 GENERAL FUND UNDESIGNATED FUND BALANCE TO THE ELLINGTON VOLUNTEER AMBULANCE DEPARTMENT 2008-09 BUDGET TO PROVIDE FOR ONLINE VERSION OF MANDATED TRAINING NEEDS AND ALSO A COMMON ID TAG SYSTEM FOR ALL THREE EMERGENCY SERVICES AGENCIES, AS APPROVED BY THE BOARD OF FINANCE. FURTHER, THE AMBULANCE CHARGING FUND SHALL REIMBURSE THE GENERAL FUND \$20,200; CONSEQUENTLY, THERE WILL BE NO IMPACT ON THE 2008-09 GENERAL FUND BUDGET.

Mr. Turner stated that this recommendation originated from the Emergency Services Committee and has the endorsement of all three emergency agencies. It will significantly improve mandatory training issues to meet OSHA requirements.

VOTE ON ABOVE MOTION: PASSED - UNANIMOUSLY.

D. Award Bid – Snowplowing:

MOVED (CHARTER), SECONDED (HARFORD) AND PASSED UNANIMOUSLY TO AWARD THE CONTRACT FOR SNOWPLOWING FOR THE 2008-09 WINTER SEASON TO BARBER UTILITIES, LLC OF 35 PINNACLE ROAD; ELLINGTON, CT., AS RECOMMENDED BY THE PUBLIC WORKS DIRECTOR AND AS SPECIFIED IN THE PROPOSAL. (Attached).

E. \$67,000 Additional Appropriation to Clear Milfoil at Crystal Lake/State Grant Application:

Mr. Stupinski stated that there is a serious milfoil issue at Crystal Lake. Last year a pilot program was conducted by the Department of Environmental Protection which was successful; however, a very small section was done. The Crystal Lake Association (CLA) has come up with a good plan to address the milfoil issue. There is money available through a DEP State Grant with an 80% reimbursement level. An application for the grant was prepared and submitted to DEP. A requirement of the grant is that the Town must appropriate money for this project. This appropriation would have to be approved by the Board of Finance and Town Meeting.

MOVED (CHARTER), SECONDED (PRICHARD) TO APPROVE AN ADDITIONAL APPROPRIATION OF \$67,000 FROM FY 2008-2009 UNDESIGNATED GENERAL FUND BALANCE TO CAPITAL NON-RECURRING FUND FOR THE REMOVAL OF MILFOIL FROM CRYSTAL LAKE BY SUCTION HARVESTING METHODS, PENDING BOARD OF FINANCE AND TOWN MEETING APPROVAL. THIS APPROPRIATION MAY BE PARTIALLY REIMBURSABLE THROUGH A STATE DEPARTMENT OF ENVIRONMENTAL PROTECTION GRANT.IN AN AMOUNT UP TO \$50,000.

Mr. Miller was concerned that this project can be costly as he was advised that the milfoil will continue to grow. Money will have to be spent year after year for maintenance of the milfoil.

Mr. Turner stated that it is going to be very difficult, based on growth measure, to eradicate all of the milfoil in one year's time. This will be an ongoing program of maintenance for several years ahead. The residents at Crystal Lake and the CLA have done a lot of research in this area and are looking at a possible way to mitigate the situation. Crystal Lake is a resource for the community, similar to schools and recreation fields. The Town needs to make an investment and move toward a mitigation program.

Ms. Harford asked if the lake could be lowered. Mr. Mickiewicz,112 West Shore Road, said that he was advised by George Knocklein, of Northeast Aquatic Research, that this method may pose other problems.

Mr. Mickiewicz said that much of the maintenance work will be done by volunteers. A barge and equipment will be needed. Equipment costs will be less than \$20,000.

Mr. Miller asked how many acres can be done with \$67,000. Mr. Mickiewicz stated approximately 7 acres. There are 20 acres that need to be done.

Mr. Moody, 32 East Shore Road, stated that the milfoil has been in the lake for over a decade. It grows very fast. Once it is leveled, it can be maintained by volunteers.

Mr. Hurley asked if there was a more aggressive method that can be used to control the milfoil. Mr. Stupinski stated that the suction harvesting is the most aggressive method. The firm hired in the past makes maximum use of this method. There are no other firms in this area that do this type of work.

William Merson, 13 Aborn Road, stated that volunteers have gone out with the contractor to become more knowledgeable in how to maintain the milfoil. Plants have to be pulled out and placed on boat. A robot can actually navigate the bottom of the lake and monitor the work being done.

Victor Laptik, 5 Crystal Ball Court, stated that there is no beneficial aquatic growth within the milfoil, so removing the milfoil is not eradicating any plants that are beneficial to the lake.

VOTE ON ABOVE MOTION: PASSED UNANIMOUSLY

State Grant Application:

MOVED (CHARTER), SECONDED (TURNER) AND PASSED UNANIMOUSLY TO ADOPT THE FOLLOWING RESOLUTION:

BE IT RESOLVED THAT IT IS IN THE BEST INTEREST OF THE TOWN OF ELLINGTON TO ENTER INTO CONTRACTS WITH THE CONNECTICUT DEPARTMENT OF ENVIRONMENTAL PROTECTION.

IN FURTHERANCE OF THIS RESOLUTION, MICHAEL P. STUPINSKI, FIRST SELECTMAN OF THE TOWN OF ELLINGTON IS DULY AUTHORIZED TO ENTER INTO AND SIGN SAID CONTRACTS ON BEHALF OF THE TOWN OF ELLINGTON. MICHAEL P. STUPINSKI IS FURTHER AUTHORIZED TO PROVIDE SUCH ADDITIONAL INFORMATION AND EXECUTE SUCH OTHER DOCUMENTS AS MAY BE REQUIRED BY THE STATE OR FEDERAL GOVERNMENT IN CONNECTION WITH SAID CONTRACTS AND TO EXECUTE ANY AMENDMENTS, RESCISSIONS, AND REVISIONS THERETO.

### Set Town Meeting:

MOVED (CHARTER), SECONDED (TURNER) AND PASSED UNANIMOUSLY TO AUTHORIZE THE FIRST SELECTMAN TO WARN A SPECIAL TOWN MEETING SCHEDULED FOR JANUARY 5, 2009 AT 7:15 P.M. TO CONSIDER THE ABOVE-NOTED APPROPRIATION AND GRANT, PENDING BOARD OF FINANCE APPROVAL.

#### F. Deed in Lieu of Foreclosure – Estate of Arthur Johnson:

Mr. Stupinski noted the recommendation of Town Attorney to decline accepting the deed and have the estate sell the house and use the proceeds towards payment of taxes. No motion is necessary.

#### G. BOS Five-Year Goals:

Mr. Stupinski submitted a list of his suggested recommendation for five-year goals. He encouraged the BOS to submit a list of their own goals prior to the January 5, 2009 BOS meeting. At that meeting the BOS can determine how many and which goals to set over the next five years.

#### H. Director of Public Works Position:

Mr. Miller submitted a memo providing his recommendations to the BOS regarding the process for hiring for above-noted position and reviewed some of the main aspects of it with the BOS as follows.

- The BOS needs to determine whether it would be beneficial to the Town to restructure the position employing an engineer who could also oversee the Department of Public Works (DPW).
- Per CCM survey, there are 17 towns that utilize DPW Director/Engineer position including towns similar in size (Somers and East Windsor) whose salaries are not out of line. (Somers - \$84,000 and East Windsor - \$81,400).
- The benefits of the combined position may be that it would be more cost effective and staff would have quicker access/response time if engineering assistance is needed.
- Cost/benefit analysis needs to be conducted as soon as possible.
- The BOS needs to determine those individuals who will be included in the hiring process. People who have a direct interest in this position should have some input in the hiring process (i.e., Town Planner, Permanent Building Committee, Parks and Recreation, Board of Education (BOE), Board of Finance (BOF), Land Use Agencies, WPCA).
- The BOS should consider revising the job description based on input from above-noted agencies.

- The BOS Personnel Committee may be involved.- review applications and narrow them down.
- The BOS needs to determine who will conduct interviews. Recommendation First Selectman from comparable-sized town, Town Manager, from larger town, a (town employee) Town Engineer, Director of Public Works from a larger town to prepare questions for applicants.
- Questions would be answered and ranked by the interviewers and submitted to the BOS who would make final decision.

Mr. Stupinski did agree that the interview panel should consist of professionals who have expertise in this area. He did not feel that some of the agencies listed above (BOE, BOF, Parks and Recreation, WPCA) needed to be involved.

Mr. Miller said that DPW maintains the school and recreation fields and that the BOE and Parks and Recreation Department may have valuable input.

Mr. Stupinski stated that he has talked to some of the other towns who utilize the combined position. The Town of Tolland has a DPW Director who has an engineering certificate whose office is located in the Planning Department. They also have a DPW Director of Operations and each get paid approximately \$85,000 a year. Although the Town of Somers has a DPW Director/Engineer on staff, Somers continues to engage the services of a consulting engineer for land use boards. The BOS needs to examine the whole picture.

Mr. Miller stated that this is why a cost/benefit analysis needs to be conducted.. The BOS needs to move forward with the process and establish the pros and cons of the combined position vs. the current position.

Mr. Stupinski felt it may make sense to hire a Public Works Director with an engineering certificate and grow into the position as Public Works Director/Town Engineer.

Mr. Charter was against changing the current position and felt it would be more costly to change it. (I.e., benefits, office space, hiring more support staff).

Mr. Hurley stated that job descriptions for this position vary from town to town. One of the benefits of having an 'in-house' engineer is that this person can be very helpful to staff. Duties may include managing capital improvement projects, design draining projects/handle complaints, assist with budgeting/planning, economic development, ascertain the town is in compliance with regulations, assist in grant applications, interface with CRCOG regarding solid waste issues, attend board meetings.

Mr. Stupinski felt that the duties Mr. Hurley noted above would be overwhelming for one person in addition to regular DPW duties. The Town would still need to hire another employee.

Peter Charter pointed out that staff meetings are held weekly in the Planning Department to discuss any land use issues, review plans etc. Mr. Hurley stated there are times when issues come up at board meetings that cannot be addressed as they need town engineer advice.

Mr. Michaud stated that all the duties that Mr. Hurley brought up are done currently. Whatever DPW cannot handle, goes to the Town Engineer. Mr. Michaud suggested that we request that the South Windsor DPW Director and two other DPW Directors come in to review the

applications and narrow them down to three. If there are too many people involved in the hiring process, it will be hard to accomplish anything.

Mr. Turner stated that he has been on hiring committees in the past and found that the larger the committee, the longer it took to come to a conclusion. He added that it is important to obtain input from those who have a direct interest. He agreed that professional expertise should be utilized to screen the applications. The successful candidate for this position should possess good leadership, administrative and engineering skills.

Mr. Thompson pointed out that the town instituted an ordinance (in 2006) whereby all applications to the Land Use Commissions and consultant fees are funded by the applicant; consequently, the total engineering costs are declining.

Mr. Stupinski stated this item will be discussed further at the January 5, 2009 meeting of the BOS.

- VI. ADMINISTRATIVE REPORTS: So noted.
- VII. SELECTMEN COMMITTEE REPORTS:
  - A. Personnel Committee:
    - 1. Resignations: None
    - 2. Appointments:

MOVED (PRICHARD), SECONDED (MILLER) AND PASSED UNANIMOUSLY TO APPOINT NOAH FORREST AS AN ALTERNATE MEMBER OF THE ECONOMIC DEVELOPMENT COMMISSION TO FILL AN UNEXPIRED VACANT TERM TO JANUARY 31, 2009.

MOVED (MILLER), SECONDED (PRICHARD) AND PASSED UNANIMOUSLY TO APPOINT MICHAEL AGRANOFF AS AN ALTERNATE MEMBER OF THE ZONING BOARD OF APPEALS TO FILL AN UNEXPIRED VACANT TERM TO AUGUST 31, 2010.

- B. Ordinance Committee:
  - Consider Maintenance of Detention Basin Ordinance/Set Public Hearing:

Mr. Charter stated that the Ordinance Committee recommends the BOS move forward with establishing this new ordinance, as submitted in the draft prepared by the Town Attorney.

MOVED (CHARTER), SECONDED (MILER) AND PASSED UNANIMOUSLY TO RECOMMEND A NEW ORDINANCE REGARDING THE MAINTENANCE OF STORM WATER DRAINAGE DETENTION BASINS, AS SUBMITTED IN THE DRAFT (attached), AND THAT THE BOARD OF SELECTMEN HOLD A PUBLIC HEARING ON MONDAY, JANUARY 5, 2009 AT 7:30 P.M. AT THE TOWN HALL TO ALLOW CITIZENS TO COMMENT ON THE PROPOSED NEW ORDINANCE.

# VIII. SELECTMEN LIAISON REPORTS:

Ann Harford:

<u>Shared Services</u> – meeting tomorrow night to review information Laurie Burstein:

Library – Winterfest went very well. There was a big turnout.

<u>Human Services</u> – Students hosted another dodge ball tournament which was very well attended.

<u>EVAC</u> – Construction of new addition has begun, new defibrillators have been distributed and safer jumpsuits have been purchased.

#### IX. FIRST SELECTMAN'S REPORT:

Mr. Stupinski stated that he plans to attend a Regional Animal Control Consortium meeting on December 17, 2008 in South Windsor. He added that South Windsor has until May 2009 to purchase the land. It will be 18 months after the land is purchased before construction is complete.

#### X. CORRESPONDENCE:

A. November 7, 2008 Letter from State DOT – Roundabout (attached):

Mr. Stupinski stated that this project is moving forward. There are no more public hearings to be held. Mr. Stupinski added that he is certain that this is a move in the right direction.

Some of the BOS members had concerns regarding the roundabout. Mr. Michaud stated that Mr. Bob White, of North East Area Roundabouts (NEAR@cox.net), conducts regular seminars regarding roundabouts. He suggested that BOS members who have concerns attend one of these seminars which address safety issues, accidents and any other questions/concerns.

XI. EXECUTIVE SESSION: For the purpose of discussing land acquisition:

MOVED (CHARTER), SECONDED (MILLER) AND PASSED UNANIMOUSLY TO GO INTO EXECUTIVE SESSION FOR THE PURPOSE OF DISCUSSING LAND ACQUISITION AT 10:30 P.M.

SELECTMEN PRESENT: Laurie Burstein, Peter Charter, Ann Harford, A. Leo Miller, James

Prichard, Michael Stupinski and John Turner

OTHERS PRESENT: Robert Phillips, Town Planner; James Gage, Conservation

Commission and Amy Paterson, Project Manager – The Trust for Public

Land

MOVED (CHARTER), SECONDED (MILLER) AND PASSED UNANIMOUSLY TO COME OUT OF EXECUTIVE SESSION AT 11:29 P.M.

#### XII. ADJOURNMENT:

MOVED (CHARTER), SECONDED (MILLER) AND PASSED UNANIMOUSLY TO ADJOURN THE MEETING OF THE BOARD OF SELECTMEN AT 11:29 P.M.

Submitted by Approved by: Approved by: Michael P. Stupinski

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1:418 pm

NAME BARBOR UTILITES, LLC ADDRESS P.O. BOX 331 /35 PINNACLE RD. ELLINGTON PHONE 860-872-2330 CELL 860-508-6533 FAX 860-872-5674 **EQUIPMENT LIST:** 744E JOHN DEERE LOAD Hourly Rate \$ 100.00 L70 F VOLVO LOPPER Hourly Rate \$ 100.00 PICIC-UP TRUCK Hourly Rate \$ 85.00 Hourly Rate Hourly Rate\_ Price by location: Windermere School \_\_\_\_\_ Ellington High School \_\_\_\_\_ Crystal Lake School Center School Ellington Middle School Price per Storm Contractor Signature

<sup>\*</sup>Liability Insurance Required.

JII-8-1 DRAFT

# AN ORDINANCE REGARDING MAINTENANCE OF STORM WATER DRAINAGE DETENTION BASINS AND SIMILAR STRUCTURES

#### BE IT ORDAINED:

<u>PURPOSE</u>: Federal and State Laws and Regulations mandate that drainage designs comply with Federal Clean Water Act of 1977, Phase II, Final Rule, concerning storm water. The Town of Ellington encourages the use of any approved water quality control options specified in the Federal and State Laws. Such structures control the quantity of flow and contain sand, silt, dirt and other solids. For maximum performance, these structures require substantial periodic maintenance.

For some land subject to development and construction, producing zero increase in the rate of discharge of water from one property to another compels drainage designs that provide for the inclusion of Detention Basins, Separators or similar earthen or other solid embankments, dams or other "Storm Water Pollutant Removal Mechanisms as listed in Table 3-2 of the 2004 Ct. Storm Water Quality Manual". The purpose of this Ordinance is to set forth the Town's policy as to such structures and the costs associated with and created by their use and required maintenance.

<u>POLICY:</u> Should the design requirements of the Laws and Regulations require the construction of structures such as Detention Basins, Separators or similar earthen or other solid embankments, dams or other "Storm Water Pollutant Removal Mechanisms" designed in compliance with the *CT D.E.P. Storm Water Phase II (MS4) Program* based on the Federal Clean Water Act of 1977 as amended by the Water Quality Act of 1987 (P.L. 100-4), SECTION 402- National Pollution Discharge Elimination Systems (NPDES), Phase II, Final Rule, the Town of Ellington will not accept title to such structures as additions to its municipally owned drainage system as "improvements" except pursuant to the terms of this Ordinance.

Such Facilities require special, periodic maintenance to clean out sand, silt, dirt, debris or other foreign material in order to keep the structure operating as designed. Most of these Facilities are not located within roads or streets that are designed and planned to become public roads of the Town of Ellington and are not within the road drainage system regularly accepted by the Town. Such Facilities would impose excessive, unbudgeted costs upon the taxpayers of the Town, and if not maintained, may fail, imposing possible further liability on the Town.

However, it is in the best interest of its citizens and the Town to insure that the required maintenance is performed and it is not reasonable to expect or require individual homeowners or limited groups of homeowners to provide the periodic maintenance that these systems require or pay for the cost thereof. The Town's Department of Public Works does have the technical and physical ability to provide the maintenance required of these Facilities

Therefore, it is the position of the Town that the costs of this periodic maintenance ought to be placed upon those persons causing the need for this maintenance and who benefit from these Facilities rather than upon the taxpayers as a whole. Future costs of the maintenance of these Facilities shall be an expense of those landowner(s), developer(s), or sub-divider(s) benefiting from the development of the property upon which the Facilities are located. Provision for this future cost shall be accomplished by the establishment of a fund reasonably calculated to generate sufficient income to pay the cost of using the Department of Public Works to maintain these Facilities.

# **DEFINITIONS:**

Clean Water Regulations-Phase II: Clean Water Regulations promulgated by the Connecticut Department of Environmental Protection that define the standards for design of drainage systems discharging into the waters of the State of Connecticut.

Detention Basin: A drainage structure designed to avoid downstream flash flooding, receiving and collecting storm and drainage water, whether surface or subsurface, within a defined area and releasing that water in a controlled manner essentially equivalent to the rate of flow from property in its natural state prior to development.

Facilities: A general term that includes without limitation Detention Basins, Separators, similar earthen or other solid embankments, dams, or other "Storm Water Pollutant Removal Mechanisms" and National Pollution Discharge Elimination Systems.

Land Owner, Developer or Subdivider: The person, individual or business who owns the land upon which any Facility is to be constructed or who has applied to a land use board or commission for a permit or other approval which includes construction of any Facility or has received approval or been granted a permit by one or more of the land use agencies or commissions of the Town of Ellington to develop property including the installation of one or more Facilities. The term or terms, singular or plural, Land Owner, Developer or Subdivider, are like terms with the same meaning herein.

*Permit:* A permit issued by any land use agency of the Town of Ellington including all conditions attached to that permit or facilities approved by the permit.

Separator: A drainage structure designed to collect water in a confined are and cause solid particles of sand, silt, dirt and foreign material to be separated from the water before the water is released downstream from the confined area.

*Regulations*: Zoning, subdivision and inland-wetland regulations of the Town of Ellington.

<u>IDENTIFICATION OF STRUCTURES:</u> Prior to approval of any development project by any Town land use board or commission ("agencies"), a Developer shall, with the assistance of the Town Engineer, identify any Facilities as specified in this Ordinance that will require special periodic maintenance in the future.

- (A) The Developer shall with the advice of the Town staff determine whether the Facilities may be maintained by the commercial or industrial owner of the premises because that owner will have the resources and ability to maintain the facilities and include that proposal in its application for final approval by the land use agency having jurisdiction for granting the permit (usually the PZC).
- (B) The Developer shall, with the advice of the Town staff, determine whether the area occupied by the Facilities should be dedicated to the Town in fee or by easement granting the Town access rights to maintain the facility as well as the right to have the facility in that location for its designed purpose.
- (C) The land use agency that last approves a development project (usually the Planning and Zoning Commission) shall have no authority to exempt a single family subdivision from the operation of this Ordinance upon a finding by the agency that the Owner will have the financial and technical ability to perform the required maintenance.

<u>POST APPROVAL</u>: Upon final approval of a project by the land use agency the Developer shall perform all of the following tasks or provide the documents:

- (A) An executed deed of the fee and/or easement to the Town for the facility in accordance with the permit, subject to approval of the Town Attorney as to form and content, which deed or deeds shall be delivered to the land use office prior to the filing of any map or plan. The deed shall be held in the land use office and recorded only after acceptance of the facility by the Board of Selectmen.
  - (1) As to commercial or industrial property having received a waiver as to the maintenance capitalized cost, an easement is required to authorize the Town to inspect and maintain the facility, if the Owner fails to do so, and charge the Owner and the land for the cost thereof.

- (B) The Developer will cause the facility to be constructed in accordance with the approved plan or permit and subject to inspections by the Town Engineer and/or Director of Public Works and provide such certifications as may be required by either as to construction in accordance with the design plan.
- (C) The Town Engineer and the Director of Public Works shall establish an annual cost ("Cost") to perform the required periodic maintenance on the Facilities. The Finance Officer, with input from the Town Engineer, shall then calculate a sum necessary to capitalize that annual cost based upon the following formula. The Cost shall become the numerator of a fraction the denominator of which shall be a sum arrived at by the subtraction of the yearly average of the Consumer Price Index ("CPI")\* from the yearly average yield of 10 year U.S. Treasury Notes ("Notes")\*\*. The resulting quotient, after dividing the numerator by the denominator, shall be the sum required to be deposited with the Town as the Maintenance Fund.
  - The yearly average of the CPI shall be determined by taking each published yearly average beginning with 1953 up to and including the most recent published yearly average, adding the averages together and dividing the total by the number of years included.
  - \*\* The yearly average yield of the Notes shall be determined by taking each published yearly average yield beginning with 1953 up to and including the most recent published yearly average yield, adding the average yields together and dividing the total by the number of years included.

The Developer shall pay the Town such sum before acceptance by the Town of the drainage system and before any performance bond is reduced to a maintenance level.

The Town shall forthwith deli-	ver the full sum to the Treasurer who shall deposit
that sum in a separately identified a	ccount referred to as the "Maintenance Fund for
(name of project or subdivision - phase	se as appropriate), shown on a map or plan entitled
", 2	0_ and recorded in the office of the Town Clerk at
map volume, page Suc	ch a fund shall be maintained indefinitely for the
purpose of providing revenue to pay 1	for the periodic maintenance required. Funds shall
not be commingled with the general	funds of the Town but may be commingled with
maintenance funds from similar project	ets. The capital shall not be used for any operating
expense.	

MAINTENANCE RESPONSIBILITY: Upon establishment of the Maintenance Fund by the land developer; completion of any required performance and maintenance bond period; and, acceptance by the Town of the drainage system within which are located such Facilities, the Town shall thereafter assume full maintenance and repair responsibility for the identified Facilities. There shall be no further accounting as to the

cost of maintenance of any particular Facility nor rebate if the expense is less than the income or additional charge if the expense is greater.

<u>NOTE</u>: This policy does not apply to roads, pipe drainage systems within roads including off-road discharges not pertaining to any Facilities.

# **ADMINISTRATION:**

- (A) The Board of Selectmen shall control the Maintenance Fund and shall direct the income as appropriate to the Department of Public Works for the purpose of providing maintenance to the identified structures.
- (B) There shall be no accounting among structures or properties that have contributed to this Fund and no requirement that the maintenance be provided to particular structures except as determined by the Department of Public Works.

<u>SEVERABILITY</u>: If any provision of this Ordinance or the application thereof shall be held invalid or unenforceable, the remainder of this ordinance shall not be affected thereby; and each remaining term and provisions hereof shall be deemed valid and shall be enforced to the fullest extent permitted by law.

This Ordinance shall be effective on	, 2008.
Board of Selectmen Approved for Public Hearing:	
Public Hearing Notice Published On:	
Public Hearing Held On:	
Board of Selectman Recommend Adoption:	
Town Meeting Notice Published On:	
Approved by Town Meeting On:	





# STATE OF CONNECTICUT

# DEPARTMENT OF TRANSPORTATION

2800 BERLIN TURNPIKE, P.O. BOX 317546 NEWINGTON, CONNECTICUT 06131-7546 Phone:

November 7, 2008

The Honorable Michael P. Stupinski First Selectman Town of Ellington Town Hall 55 Main Street Ellington, Connecticut 06029 TOWN OF ELLINGTON RECEIVED

NOV 1 0 2008

FIRST SELECTMAN'S
OFFICE

Dear First Selectman Stupinski:

Subject: State Project No. 47-116

Federal Aid Project No. SIPH-0074(014)
Construction of a Roundabout at Route 74
Windsorville Road and Wapping Wood Road

at Route 286 (Pinney Street) and Skinner Road (Five Corners)

Town of Ellington

This letter is in reference to the Public Information Meeting held on Wednesday, September 24, 2008, at the Ellington Center School. In addition to yourself, the meeting was attended by the 57<sup>th</sup> District State Representative, The Honorable Ted C. Graziani; 3<sup>rd</sup> District State Senator, The Honorable Gary D. LeBeau; the Capitol Region Council of Governments, Director of Transportation Planning – Mr. Thomas J. Maziarz and Ms. Diane Wheelock from the Town of Vernon. Enclosed for your information are the Public Information Meeting Minutes.

The project entails converting the five-leg intersection to a modern roundabout to improve safety, traffic operation and relieve traffic congestion. The proposed roundabout will fit predominately within the existing intersection, requiring only partial strip acquisitions from the abutting property owners. Full depth roadway reconstruction will be required within the intersection and for two to three hundred feet on each of the approach roadways. Sidewalks will be provided for pedestrian safety around the intersection, with illuminated cross-walks on each approach. The central truck apron is designed to accommodate oversized type permit vehicles that currently utilize this area. Coordination with the neighboring property owners has resulted in the relocation of one curb cut at the Sunoco Station within the roundabout as an "entrance only" and the construction of a second curb cut on Windsorville Road at the Cumberland Farms to maintain fuel delivery capability. A new storm water drainage system will be designed for the intersection. Landscaping is proposed within the central island, along the sidewalks and where right of way is available on the corners of the intersection.

At the September 24, 2008 Public Information Meeting there were approximately 175 to 200 residents present. While some supported the project, there was significant opposition to the improvements. The majority, estimated as 60-70% of those at the meeting, expressed

opposition to the project. In addition, many written comments were subsequently received opposing the project. The comments are summarized below, in addition to the highlights of our discussion at the meeting with town staff on October 9, 2008 concerning the results of the Public Information Meeting.

# **Public Information Meeting Comments:**

1. **Need for the Project** – Some attendees suggested that there is no strong justification for this project at the present time. Residents and commuters may be accustomed to 4 - 5 minute delays during morning and afternoon peak hours of traffic.

### Discussion with Town Staff:

- ⇒ Town officials have been receiving complaints about traffic congestion at the (Five Corners) intersection for years.
- ⇒ Although some residents may be accustomed to the long queues at the current stop controlled intersection, future growth in population will only make traffic congestion worse.
- ⇒ A roundabout will comfortably handle the growth in traffic volume well beyond the design year.
- 2. **Cost** Some attendees suggested that the project costs are too high.

# **Discussion with Town Staff:**

- ⇒ A delay in construction of the project would result in higher construction costs in the future.
- ⇒ With the projected savings in time and fuel consumptions, the \$2.7 million construction cost could be recovered in as little as four years.
- ⇒ The reduction of idling traffic will also reduce harmful emissions to the environment, an additional project benefit.
- 3. Emergency Vehicle Access Some attendees were concerned with the raised splitter islands; specifically, fire trucks and other emergency vehicles could have difficulty entering the intersection from the opposing lane.

#### Discussion with Town Staff:

- ⇒ This concern will be addressed by utilizing mountable splitter islands, which allow for emergency vehicles to drive safely over splitter islands. (Representatives from the Fire Department have stated their vehicles can traverse a 4" mountable curb.)
- ⇒ Emergency vehicles will also have the option of driving on the truck apron to bypass cars in the roundabout.
- ⇒ Subsequent to this meeting, a letter was received from the President of Ellington Volunteer Ambulance Corps supporting the project. He specifically sited the difficulties posed by the long queues at the intersection when responding to emergencies. These existing queues during peak hours will be significantly reduced with construction of a roundabout.
- 4. **Increased Speeds** Some attendees suggested that by removing the stop controlled intersection and creating a yield controlled roundabout, speeds will increase.

# Discussion with Town Staff:

⇒ The current stop controlled intersection allows cars to accelerate up to 30 mph from stop bar to stop bar.

- ⇒ Narrow travel lanes, restrictive geometry, negative superelevation, and other design features of the roundabout will help to keep speeds under 20 mph through the intersection.
- 5. **Increased Accident or Crash Rate** Some attendees were concerned that the roundabout would cause more accidents (compared to the present stop controlled intersection).

# **Discussion with Town Staff:**

- ⇒ Studies of existing roundabouts have shown that the numbers of conflict points are greatly reduced compared to a signalized or even a stop controlled intersection. Reduced conflict points results in fewer chances of having a collision.
- ⇒ Slower speeds with roundabouts often help to reduce accidents, especially injury type accidents.
- ⇒ The existing intersection has the potential for a high speed collision, if someone were to violate the stop sign. A roundabout will better help to prevent such collisions.
- ⇒ No significant change in the accident history is expected to occur with construction of a roundabout. However, accidents are not expected to increase, as could be the case if a traffic signal were installed.
- 6. **Feasibility of a Roundabout** Some attendees suggested that the proposed roundabout is too small to accommodate large vehicles and/or the entry points will not have enough separation.

# **Discussion with Town Staff:**

- ⇒ The roundabout is designed to accommodate large trucks, low clearance trailers, school buses, and emergency vehicles.
- ⇒ The spacing on the entrances is comparable to other constructed roundabouts, which function well.
- ⇒ Roundabouts having more than the traditional 4 legs have been constructed in at least a dozen locations across the U.S. and operate well. Some have as many as seven approaches.

# Conclusion:

In general, the opposition voiced at the meeting and in subsequent written comments consisted of statements of opinions that are considered either unsupported by experience with roundabouts or contrary to engineering analysis. The public expressed skepticism skeptical of the modern roundabout concept, without the benefit of any first-hand experience. Experience shows that such a reaction is not uncommon. The Department has recently completed construction of two modern roundabouts (in West Haven and Killingworth). In both cases, the public expressed skepticism and reservations about the roundabout concept during the design phase. However, community reaction became dramatically more positive after construction was completed. Other states have experienced similar reactions when proposing and constructing roundabouts. In addition, no viable alternatives to address the congestion were offered as a result of the Public Information Meeting. After careful consideration of all of the comments, the Town and the State remain supportive of these proposed improvements. As such, the Department will proceed with the design process and acquisition of the proposed rights of way. Construction is anticipated in the spring 2010. Also, discussed at the October 9, 2008 meeting,

were the extension of the sidewalk on Pinney Street to the northern project limit, aesthetic treatments, maintenance of the central island, and the use of mountable splitter islands to better accommodate emergency vehicle access.

Should you have any questions regarding this project and the decision to proceed with the construction of a roundabout at Five Corners, please contact Mr. William W. Britnell, Project Manager, at (860) 594-3283.

Verv∖truly, yours

Manager of State Design
Bureau of Engineering
and Highway Operations

**Enclosure** 

# **Department of Transportation**

# Project No. 47-116 Construction of a Roundabout Route 74 (Windsorville Road & Wapping Wood Road), Route 286 ( Pinney Street) & Skinner Road

# **Town of Ellington**

Public Information Meeting Held at Ellington Center School, #49 Main Street Wednesday, September 24, 2008

#### **Minutes**

#### Present:

Conn. DOT

Timothy M. Wilson P.E. – Transportation Principal Engineer William Britnell P.E. – Project Manager Scott Bushee P.E. – Project Engineer Gabriele Hallock – Assistant Project Engineer Paul W. Yu – Transportation Engineer Douglas M. Hummel – Right of Way Coordinator Delois Barnes – Landscape Designer Mark W. Rylander – Landscape Designer

#### Town of Ellington

The Honorable Michael P. Stupinski – First Selectman

**Presentation:** A PowerPoint presentation lasting approximately 40 minutes was delivered by Mr. William Britnell concerning the proposed roundabout followed by a short explanation of the Department's Right of Way process by Mr. Douglas Hummel.

The presentation covered the following items:

- ⇒ Congestion at the existing intersection (3-5 minute delays at peak hour)
- ⇒ Description of a roundabout and the differences between a roundabout and a traffic circle
- ⇒ Reasons why a roundabout is better suited to manage traffic at this location than a traffic signal
- ⇒ Alternative designs utilizing traffic signals were reviewed; operation with traffic signals would be poor or marginally acceptable with significant private property (at least one total take) that would need to be acquired
- ⇒ Traffic simulation showing 2,030 projected traffic volumes flowing through roundabout with little delay

**Public Comments and Questions:** Approximately 175-200 residents attended, of which approximately 35-40 took the opportunity to ask questions or make comments, which are summarized below:

- ⇒ Some residents felt the congestion problems are limited to one hour each during the morning and evening peak periods and an improvement of this cost is not warranted.
- ⇒ Many residents felt the traffic simulation was unrealistic given the dramatic improvement in operation it suggested. Many residents felt the roundabout would not work.
- ⇒ Some questioned the projected growth in volumes to 2,030, feeling it did not reflect the growth in the area, specifically a significant increase in housing and a proposed YMCA.
- ⇒ A question was raised regarding the ability of emergency vehicles to bypass traffic stopped on the approaches. A suggestion to change the raised splitter islands to flush or mountable was made.
- ⇒ There was both support and opposition to the proposed sidewalks.
- ⇒ Several residents spoke in support of the proposals, noting problems with congestion and high speeds through the existing intersection that they felt would be improved with the roundabout.

It was repeatedly stated that the Department will review the comments from the meeting, along with any additional comments submitted in writing or by e-mail in the next two weeks, with Town officials before a decision is made whether to proceed with the project and if so, whether modifications to the design are warranted.

**Adjournment:** The question and answer session was concluded at approximately 9:20 p.m. The Department representatives then continued to speak with residents informally until approximately 9:45 p.m.

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